

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

UNITED STATES OF AMERICA

vs.

CASE NO: 4:06CR00006-001 SWW

HARRY JEFFERY HAMM

ORDER

Pending before the Court is defendant's motion for a psychiatric examination and hearing to determine whether or not defendant is presently suffering from a mental disease or defect rendering him mentally incompetent. The government has no objection to defendant's motion.

After due consideration, the Court concludes that defendant's motion should be, and hereby is, granted and that a psychiatric or psychological examination be conducted to determine whether or not defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to understand the nature of the proceedings against him or properly assist in his own defense, and to determine his competency at the time of the alleged offense.

IT IS THEREFORE ORDERED:

(1) That defendant be examined by a qualified psychiatrist or psychologist under the provisions of 18 U.S.C. §4241(a) and §4242(a) to determine whether he is presently mentally competent so as to be mentally capable of understanding the proceedings against him or to properly assist in his own defense and to determine his competency at the time of the alleged offense;

(2) That the United States Attorney is directed to have a writ issued for removal of defendant from his place of confinement to the designated medical facility, and the United States Marshal shall transport defendant from his place of confinement to the medical center designated where he will be placed in the custody of the Attorney General, or his authorized representative, for a period not to exceed forty-five (45) days for a psychiatric examination pursuant to 18 U.S.C. §4241(a) and §4242(a);

(3) That the facility conducting such examination shall file a report stating the determination of defendant's mental status at the end of the time specified with this Court, and with copies for counsel pursuant to 18 U.S.C. §4247(b) and (c); and if found to be not competent, defendant shall remain at the medical center until the Court orders him to be returned to this district for further proceedings;

(4) That the defendant, if found to be competent, shall be redelivered to the custody of the United States Marshal, who shall thereafter deliver him back to the custody of the Warden or Jailer at defendant's place of confinement.

The Court finds that the trial should be continued pending completion of the evaluation and that the interest of justice served by continuing this matter outweighs the best interest of the public and defendant for a speedy trial. The Court further finds that it will be necessary to obtain and study the results of the report and time will be needed by defense counsel for effective preparation for trial and to develop any and all proper defenses which might be averred in the defendant's behalf.

IT IS THEREFORE ORDERED that the trial of this matter currently set for February 21, 2006, hereby is continued to **Monday, AUGUST 28, 2006, at 9:30 a.m.**, which is an amicable trial date for counsel for the

defendant and the government. The delay in commencing the trial occasioned by the psychiatric examination ordered herein shall be excludable under the provisions of the Speedy Trial Act, 18 U.S.C. §3161 (h)(1)(A) and §3161(h)(8)(A).

IT IS SO ORDERED this 15th day of February, 2006.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE